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A

LETTER

TO THE

PRESIDENT, COUNSELLORS AND FELLOWS,

OF THE

MASSACHUSETTS MEDICAL SOCIETY,

ON THEIR ANNIVERSARY, MAY 31, 1837.

BY

JOHN STEPHEN BARTLETT, M. D.

FORMERLY FELLOW OF THE MASSACHUSETTS MEDICAL
SOCIETY, OF THE BOSTON MEDICAL ASSOCIATION,

OF THE

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1837.

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TO THE

PRESIDENT, COUNSELLORS AND FELLOWS

OF THE

MASSACHUSETTS MEDICAL SOCIETY,

OF THIS ASSOCIATION, MAY 21, 1871.

BY

JOHN STEPHEN HARTLEY, M. D.

FORMERLY FELLOW OF THE MASSACHUSETTS MEDICAL
SOCIETY, OF THE BOSTON MEDICAL ASSOCIATION.

OF THE

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LETTER.

MARBLEHEAD, MAY 31st, 1837.

*To the President, Counsellors, and
Fellows of the Massachusetts Medical Society.*

GENTLEMEN. On the last anniversary of the learned Corporation of which you are the components, after due citation, the humble individual who now addresses you, appeared, to listen and reply to, certain grave charges touching his adherence as a Fellow of the Massachusetts Medical Society, to the letter of its Laws, and the spirit of its doctrines.

In the course of the investigation of this subject it undoubtedly appeared manifest, that he had **PUBLICLY** (*not covertly*) aided, abetted and been in consultation with certain medical gentlemen,* contemplated in the viii. Article of the M. M. S. Laws, viz.

“Any person who is engaged in the practice of medicine or surgery in the Commonwealth, not being a fellow or licentiate of this Society, nor a Doctor of Medicine of Harvard University, shall be deemed by the fellows of this Society an irregular practitioner; likewise any one who has been expelled from this Society,

Note.—With reference to the two special counts in my impeachment, I will say of the first that it never struck me that the aiding or abetting of a professed and scientific oculist, differed in any wise from the recommending a professed and skilful dentist, so long as those gentlemen confined themselves to their respective professions. This was the case with the justly celebrated Mr. Williams.

With reference to the second count, which was the consultation with a skilful professional friend, PATRICK KEARNY, M. D. &c. it would be only necessary to observe that this gentleman holding *two* European diplomas, and never having received the slightest courtesy upon his first arrival in a foreign country of the professional customs of which he was entirely ignorant, remained in the city without joining the society after he was aware of its existence, and at that time not having been naturalized, he conceived he could not with propriety become one of its fellows for that reason. J. S. B.

or who, after being permitted to resign his fellowship, has been deprived of his privileges, or who has withdrawn himself from the Society without the permission of the Counsellors, shall be deemed by this Society an irregular practitioner ; and it shall be unlawful for any fellow in his professional capacity to advance or consult with any such irregular practitioner, or in any way to abet or assist him as a practitioner of medicine and surgery."

The alleged facts were admitted by the respondent and the grounds of his extemporaneous defence, were *fact* ; *principle*, *example*, and *supposed legality*. The three first named (the third, viz. *example*, particularly) were, it is believed by most, abundantly sustained ;—and it was with grief to myself, although from *some previous occurrences hardly with surprise*, that the latter failed. The lapse of a year, during which period abundant opportunity has been offered for deliberate, dispassionate and thorough reflection, and exposition, is a sufficient reason for this address.

This is more especially the case also, in view of the fact that in consequence of the general pressure of the day, the anticipated publication has been deferred of a more voluminous, and perhaps more unpleasantly minute appeal, not only to the judgment, liberality, and conscientiousness, of every fellow of the Society possessing those attributes, but to the terminal fiat of an unprejudiced and untrammelled community.

The remarks to follow will, perhaps be understood with more facility by the employment of the first personal pronoun on the part of the writer.

I shall dwell no longer upon the circumstance, that the first article of my impeachment was founded upon a public discharge of that duty which as a conductor of a public journal, I felt bound to perform for the good of my fellow citizens ; farther than to state that the fact warranted by me, that JOHN WILLIAMS then practicing in this city as an oculist, did in my presence perform certain cures which had baffled the skill of the Boston Surgeons, both of the Massachusetts General Hospital and the Eye and Ear Infirmary ;—that this was demonstrable, and is now to the great joy of many, demonstrable ; that it was my belief that a diploma did not constitute

a skilful physician ; and that the experience of all mankind should be conclusive evidence that PROFESSIONAL SUCCESS was the most direct and sure test of professional merit ; that the mass of mankind preferred the relief or cure of disease to learned disquisitions upon post-mortem phenomena, farther than to say that these professional heresies, my duty to God and man will not permit me to recant. Indeed I may have also said that “ as Quackery according to my view of things, signified ignorant imposture ” that some Quacks agreeably to this definition, might have even the same parchment credential, and from the same authority as that from which the truly learned and skilful, M. D. may have obtained his own testimonial of merit. *For the credit of the profession I would I could recant this assertion.*

For the second ground I took last year, viz. Principle ; I will briefly present my own views, in order that while pleading for liberty I may not be rashly judged as guilty of that professional radicalism, which differs only from aristocratic despotism ; by the greater number and ignorance of its advocates.

I would have the course of instruction for a profession so important as ours, *full, complete, rigid*,—I would have the mind brought into action and its powers of investigation, of deduction of principles and its capacity for their application, brought into the most vigorous action. To that branch of the profession for which the natural predilection of the student appeared most distinctly manifest, I would direct his chief energy, in order that he might be *eminent* in something, always having a vigilant eye to the *utility* of his acquirements ; for loth would I be to entrust the life of a fellow being into his hands, who though recondite in pathology, and morbid anatomy, would be excelled in therapeutics by an Indian doctress, or in practical surgery by a farrier.

To avoid dwelling longer upon this I will only say let his qualifications for license to practice be as perfectly rigid, as those in naval tactics should be for a Commodore,—and then—let his medical ethics, and his professional intercourse depend on his own sense of right and wrong, of expediency or inutility.

I now appeal, gentlemen, to your better judgment, whether the rigid observance of your by-laws be expedient in practice, conducive to the welfare of our profession, or beneficial to the public at large. Have they been so ?

May not a few moments calm reflection, and retrospection, convince you that expedient and useful as they were some half a century since, that within the last quarter of one, their direct effect has been to promote the very evils they were intended to counteract. Is that principle just, which excludes us from all professional communion with a regularly educated practitioner; because he chooses not to conform himself to our conventional method of proceeding;—which enables us to insult and injure in the opinion of the public, a learned but conscientious man; who is anxious to employ his talents and capacities for the relief of human ills, in such manner as is in his mature opinion the best calculated to produce the greatest good, without fettering himself with associations, and subjecting himself to their arbitrary rules—rules in many instances independent as connected with the profession,—can such principle be concomitant with pure views of justice, of liberty, of utility? If you reply in the affirmative as you MUST if you subscribe to the letter of your laws;—then I leave you to the tribunal of public opinion. If I am answered in the negative you cannot help coinciding with me in the deductions to be drawn from the preceding and following premises.

I now in the third place address myself to you gentlemen of the Society at large, and in a more direct manner to the Counsellors of the Society;—to ask of you the reason that when upon the same counts as those of my impeachment other and more influential members of the Society were presented charged with the same violations of its institutions under far more aggravated circumstances, that they are unscathed by its anathema? Why has the wind of its indignation left the trees of the forest erect and torn up the reed by its roots? Are the Counsellors *afraid*, lest peradventure more than they wish, though not more than they well wot of, should be brought to light? I am constrained to believe that this is not an illiberal construction to put upon their very extraordinary *non* proceedings. It may be necessary to remind some of you, gentlemen, that an energetic attempt was made to invalidate the impeachments here spoken of; but that attempt was instantly frustrated in the course taken by a distinguished, unimpeached, and unimpeachable Fellow of the Society. He, after the usual forms for the obtain-

ance of Justice had been used without success ; had recourse to the press, and *publicly* called on you for the fulfilment of your duty. For a long time you were quiescent ;—and when you did venture to comment on,—(I will not say,—reply to,) his demand, you only placed yourselves in a position, which in adding to your injustice, exposed the imbecility of your cause,—the fragility of your union ;—and—*the real motives of your conduct*. But for a moment I will pass over what further I have to say upon this matter until I touch the 4th and most important part of my defence of last year. This was the Legality of the course I pursued. And here let me quote for the refreshment of your memories and the information of the community my words on this point as reported for the B. M. & S. Jour. of June 8. 36, pp. 281, 282, viz.

“ The second point which I shall take in view, in which I am justified, is the *legality* of my conduct. I have violated no pledge given to the Boston Medical Association, or to the Massachusetts Medical Society. ‘ Every man who enters into a fraternity, engages by a tacit compact not only to submit to the laws, but to promote the honor and interest of the Association, so far as they are consistent with morality and the general good of mankind.’ *So far as they are consistent with morality and the general good of mankind*, the extract reads. Now it would be utterly inconsistent with morality for me to deny the truth of what I have said with regard to Williams ; because, I both know and believe it to be true. I cannot, therefore, retract one word of what I have said in his behalf. I will agree to abide by the pledges given to the Boston Medical Association, to the Massachusetts Medical Society, or to the Essex District Medical Society, of which I am a member, so long as I conscientiously, before God and man, believe them to be consistent with morality and the general good of mankind.”

And *now* gentlemen, marvel not that I may well indeed be grieved,—wonder not that the public may verily

lift up their hands and eyes, at the reply to this quotation, by a CENSOR,---a COUNSELLOR, a distinguished officer of the Massachusetts Medical Society. Abel L. Pierson, M. D., the (quasi) head of the profession in the county of Essex,---the zealous accuser of your (quasi) victim, the propounder of the Law, whose name in all the churches, when he says,---vide M. M. & S. J. pp. 285, 286.

“Second, as to the alleged *legality* of his (Dr. J. S. Bartlett’s) conduct. The gentleman has altogether misapprehended the matter: the clause upon which he founds his argument is not in our books: there is no such article in our by-laws, and it does not relate in the least to our affairs.”

Here then in presence of the M. M. S. at its great annual assemblage, we have the formal announcement, *That Dr J. S. Bartlett in supposing that “morality and the general good of mankind” had any bearing on the case in hearing had “altogether misapprehended the matter,—that such a claim upon which to found his views as to the legality of the proceedings has no place in the books of the Society, that there is no such proviso in its by-laws, and it does not relate in the least to its affairs.”*

Gentlemen; did I suppose that the mass of you as men and good members of society, advocated these views, you may well judge that *any* man who valued the good opinion of human beings or the future well being of his own soul, would consider an expulsion from a body governed by such doctrine quite as great a compliment, as would a saint regard his ejection from Tophet. True the clause is not,—is not in your books,—I have searched them, and I cannot find it; I would that at the time of my impeachment and expulsion for adhering to this “*lex non inventa*” it had been possible to have procured the insertion of a by-law of some such tenor as this.

“Be it known that the members of this Society are not disqualified for membership by a regard for morality and the general good of mankind.” But alas! it would have been an *ex post facto law* and therefore unconstitutional in all government.

Enough on this point of legality as touching myself. Let us examine very concisely the same question as affecting the M. M. S.

It is well known that Harvard University possesses by the law of the Commonwealth, the power of conferring the degree of Doctor in Medicine "with all the rights, honors, dignities and privileges appertaining to that degree"—and concedes to its recipient "all the rights of consultation and the exercises of all those faculties appertaining to the said degree."

As this degree is, *ipsa natura*, inalienable, it follows that unless the right of conferring, possessed by the University, be by law abrogated, no subsequently organized body, whether legally corporate or not, can by expulsion, suspension, or censure, deprive any one of its members possessing the same degree, from exercising all the functions and interchanges of professional intercourse with his brethren, any more than if he had never joined or been expelled from such an association.

The power of the University has never been abrogated;—it is optional with its graduates to become fellows of the M. M. S. or not, and few would believe that for such temporary privileges, any would surrender their inalienable rights. If they do not join they are entitled to all the privileges of its fellows, (save in the financial concerns of the M. M. S.) and if they do join it and upon discovery that in their opinion the principles of its organization are calculated to subvert morality and the general good of mankind,—that its official administration has at head quarters been a fountain of bitter waters, and an engine for private ends; upon good evidence of these facts; and that upon examination of its very act of incorporation no less than two distinct legal flaws are apparent, thereby annulling its authority agreeably to the constitution of this state,—if I say, upon seeing these things, such graduates by publicly declaring their truth and acting according to the dictates of justice and conscience, subject themselves to expulsion; then they find themselves precisely at the point at which they entered the association.

Not a jot or tittle of their professional dignities or privileges as conceded by Harvard University *can* be taken from them; and the body of men, who *as a body* refuse to consult with such an one, is liable to the same course of proceeding at law and to the same results of such proceedings as was seen in the case of the journey-men Tailors in New York; decided last year by Judge

Edwards, who ruled such organization a conspiracy.*

The analogy is perfect, the cases are under such circumstances perfectly alike, when applied in a case like my own.

It is not my wish to obtrude myself upon your attention, but as an illustration of principles it becomes necessary for a space. On my own part I have no favor to crave from you;—according to *your laws*, you administered *your JUSTICE* to me last year: I then demanded while yet a fellow of your association that with the same measure you meted to the feeble and humble, with the same also that you should measure to the exalted and strong. I stood then before you in person, as I now do on this paper,—alone,—unaided,—save by consciousness of right.

You passed your vote—I was no longer a member of your association;—but I had been discharged from its trammels on the spirit of truth, liberality, and justice, because I had dared to break those trammels, and would not be silenced by the fear of a corporation, subject to the dicta, and trembling at the word of those whose influential circumstances, central position, and power of fashionable patronage, exerted an indefinable, almost imperceptible, yet certain thralldom over the medical community in this commonwealth.

No imputation on my professional character;—no violation of morality, no instance of malpractice, nothing in my conduct which could be productive of aught but good to my fellow men, was alleged against me—and though by that expulsion you deprived me of no *medical privileges* any more than I should have been deprived of by expulsion from a debating society—and could not injure me abroad—yet in this part of the country owing to the ignorance of the above fact, you did do me great and personal injury,—injury which you *know* you are and were *bound* to repair by doing without fear or favor by others as you have by me:—or as I last year expressed it in the homely proverb, by not making fish of me and flesh of yourselves.

Whether you will do this and prove yourselves honest men; the proceedings of this day will show.

Note.—With how much more force this case is applicable to the Boston Medical Association, every lawyer knows who has ever examined the Constitution of that fraternity, J. S. B.

Rest assured however, gentlemen that in any event—whether the society continues its existence under its present form of corruption,—or expurgates its abuses,—or resolves itself into an association for medical improvement—that its *private* history with *other collateral* matter from 1783 to 1837 will in the ordinary course of events be made as I promised you last year, a topic for public animadversion.

I should in this letter transcend my limits were I further to illustrate its character,—and will only assure you that “*si quis existimat me aut voluntate esse mutata;—aut debilitata virtute, aut animo fracto, vehementer errat.*”

Gentlemen of the society at large—you are well aware of the station you hold in the good opinion of the public, of the influence which the members of our profession must in the nature of things necessarily exert upon the community, and of the constant attempts of the ignorant and worthless to diminish that good and salutary effect which the existence of a body like yours, associated for the purpose of mutual interchange of medical improvement, cultivation of social intercourse, and general fraternal reciprocations of good will should produce.

Cannot these happy effects be obtained by an organization of your society which, while it shall aim at elevating the character and dignity of the profession, shall unchain its members from that petty thralldom, which while it may give and has given rise to innumerable bickerings and unpleasant collisions, and has been, and is perverted to the purposes of a few, has never been productive of any good effect unattainable by a system, simple in its operation, efficacious as to the attainment of its great ends, and FREE from the dominion of an interested and ambitious medical oligarchy?

I have not, nor can I have, as is well known to most of you any personal motives in the course I have taken, as must indeed be abundantly manifest by the names of many of those impeached by me last year, they being among my most venerated and constant personal friends. For the great majority of you, gentlemen, as citizens and physicians can feel other other emotions than those of respect and friendship.—I beg of you only to examine the justice of the propositions I have thus hastily and briefly sketched in *faint outline* :—*for their filling up*, I must refer you to a future period.

While then gentlemen, sincerely expressing these sentiments to you as individual members of our profession, and citizens; and while congratulating you upon your gratifying personal meeting; I must not only cordially express the hope that you may enjoy the festivities of this day, but that the feast of which you will partake may be, for "*the sake of morality and the general good of mankind,*" the Funeral Banquet of the Massachusetts Medical Society.

JOHN STEPHEN BARTLETT, M. D.

Formerly M. M. S. S. M. B. M. A. M. E. C. M. S. &c.